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N O T I C E

Beginning with the October 1991 issue, material from the Soviet monthly journal MIROVAYA EKONOMIKA I MEZHDUNARODNYYE OTNOSHENIYA [WORLD ECONOMY & INTERNATIONAL RELATIONS] will no longer be published as a separate JPRS report. Articles from the journal will be included in the JPRS *Soviet Union International Affairs* Report.

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[The following are selected translations from the Russian-language monthly journal MIROVAYA EKONOMIKA I MEZHDUNARODNYYE OTNOSHENIYA published in Moscow by the Institute of World Economy and International Relations of the USSR Academy of Sciences. Refer to the table of contents for a listing of any articles not translated.]

English Summaries of Major Articles

92UF0123A Moscow MIROVAYA EKONOMIKA I
MEZHDUNARODNYYE OTNOSHENIYA in Russian
No 8, Aug 91 (signed to press 9 Aug 91) p 159

[Text] The article by S. Shokhin, "On the Perspective of U.S. Politics in Light of the Results of the Crisis in the Persian Gulf," analyzes several new aspects in the development of the international situation following the Persian Gulf War. The article examines the attitude of the United States toward the breakup of the bipolar structure of international relations. The author also emphasizes the limitations on using military force for the achievement of foreign policy goals. The article concludes that collective efforts are essential for the formation of a new, nonconflictual world order based on the cooperation and interdependence of all nations.

V. Manzhola, in his article, "Minimal Deterrence and European Security," begins his discussion by noting the Soviet Union's willingness to identify the parameters of a minimal nuclear deterrent. The Soviet Union's security requirements will significantly affect how the USSR and the West decide the future of nuclear weapons. In this article, Manzhola outlines a concrete scenario for the reduction of tactical nuclear weapons in Europe to the minimum quantitative level.

V. Zubchaninov, in "The Economic Goals and Conditions of Technical Progress," analyzes the factors affecting the adaptability of national economies to technical innovations and determines the comparative costs and returns of technical progress.

The article by I. Tselishchev, "Japanese Management Methods Outside of Japan," discusses the applicability of Japanese techniques of managing production at the level of corporations and enterprises in the United States, Western Europe, and Asia. At the present time it is generally recognized that the most important cause of Japan's economic achievements lies in the highly effective organization and management of the country's production processes. After analyzing the basic features of Japanese management and the results of applying Japanese methods in different countries, the author concludes that these methods lead to the greatest success when they are used in creative combination with the indigenous experience of those countries where they are introduced.

In his article, "The Process of Modernization in Russia and Japan," V. Khoros examines the Russian and Japanese experiences with modernization in order to account for each nation's present level of development. Khoros begins his analysis by contrasting the spontaneous, gradual, and synchronized modernization of the early industrializers with the abrupt, state-directed, and conflictual development of the late industrializers. Khoros finds that the essential difference between Russian and Japanese modernization concerns the ability of cultural factors to foster the emergence of the necessary prerequisites for development. In the Russian case, the

entrenched dominance of centralized political authority obstructed the implementation of political and legal reforms. Moreover, the inherent inequality within Russian society created a population which was largely impoverished, atomistic, and poorly educated. In contrast to Russia, Japanese culture promoted mass education and effectively mobilized the population for the achievement of collective goals.

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U.S. Policy after Crisis in Persian Gulf

92UF0123B Moscow MIROVAYA EKONOMIKA I
MEZHDUNARODNYYE OTNOSHENIYA in Russian
No 8, Aug 91 (signed to press 9 Aug 91) pp 5-20

[Article by Sergey Olegovich Shokhin, candidate of historical sciences and staffer of U.S. and Canada Administration of USSR Ministry of Foreign Affairs]

[Text] The crisis in the Persian Gulf broke out at an extremely crucial turning point in contemporary history. The world has undergone profound qualitative changes in the last few years. A resolute move toward the fundamental renewal and improvement of the international situation was made possible by the joint efforts of many states. In the most variable sphere of international relations, the political sphere, this positive tendency was reflected on all the levels once influenced by the confrontation between the two world systems. The relations between two power centers, the USSR and the United States, were normalized, slowly but surely. Unprecedented Soviet-American agreements on arms limitation were concluded. The improvement of Soviet-American relations had a beneficial effect on the situation in Europe, which entered a new stage in its history—a stage of cooperation, the elimination of the bloc structures in their earlier form, and the establishment of a new "European community," referred to as the "common European home" in Soviet terminology and as the "united and free Europe" by Americans. The severity of existing causes of regional tension was alleviated and some were even eliminated with the active participation and assistance of the USSR and United States. The increasingly serious Soviet-American dialogue and the move by the USSR and United States from confrontation to interaction had a positive, rejuvenating effect on the activities of the United Nations. There is good reason for the references to the rebirth of the United Nations as an effective mechanism for the settlement of international disputes.

Under these conditions, Iraq's occupation and annexation of Kuwait looked like an unexpected and regrettable anomaly, something going against the mainstream of international development. The significance and consequences of this event will be reflected in the most diverse aspects of international relations and will be assessed and reassessed many times in the future, but one thing that is already clear today is that the crisis in

the Persian Gulf was no accident. It was the result of specific tendencies deep within the contradictions of the present era, and it was a pivotal event, marking the boundaries of a particular stage in international relations in the late 20th century, marking a crossroads requiring careful and thorough consideration and the choice of the right direction for future advancement.

New Contradictions of the New Era

One of the main results of the improvement of international relations was the collapse of the bipolar structure that had taken shape in the world after World War II. Until recently the USSR and the United States represented two clearly defined and opposing power centers. They were backed up by allies and "friendly states," some of which were united in military-political blocs and some of which were formally non-aligned countries. Beyond them, further in the background, there was the large and diverse group of Third World countries, and in the zones of the highest levels of tension created by the confrontation between the two systems, regional conflicts smoldered and erupted. Within this general framework, many of the developing countries, particularly those aspiring to regional leadership, made skillful use of the confrontation between the superpowers, which gave these countries political, military, and economic support in their efforts to change the world and regional balance of power in their own favor.

All of this was possible when the United States and USSR adhered to a globalist view of their own foreign policy interests, based on the prevailing messianic ideology in the political community of both countries. In the Soviet Union the contemporary era was seen as an era of transition from capitalism to socialism on the global scale, and the struggle for the Third World was seen as one of its salient features. The position of the United States was based on the ideas of the "Pax Americana," the containment of communism, and the triumph of "bourgeois" values in a world in which the United States would play the leading role.

Now this bipolarity is disappearing. The East and West poles are vanishing. It is indicative that Washington and Moscow officially acknowledged this fact almost simultaneously. In September 1989 U.S. Secretary of State J. Baker said "there is no longer any doubt that international relations should not continue to be developed within the bipolar framework." A comparable statement was made in the Kremlin, namely that "the characteristic bipolar structure of world politics in the cold war era is collapsing."

The traditional East-West bipolarity is being replaced by a multipolar world. This tendency is obvious today, at least in the sphere of political practices. This process, just as any other, has positive and negative features.

One of the indisputably positive features is that the relaxation of tension between the East and West and the renunciation of confrontational approaches by the USSR and the United States are removing the thick ideologized

layer that was imposed on regional conflicts from outside. In this context, the U.S. administration's announcement of its willingness to eliminate elements of USSR-U.S. and East-West competition from regional policy, an announcement which evoked a positive response from the Soviet Union, seems quite important. We can hope that the USSR and the United States will not support the different sides in conflicts only for the purpose of undermining each other's influence, and we can certainly hope that regional conflicts will not be incited by the superpowers in the future. This will mean that the conflicting sides will be unable to obtain financial and military assistance in the future by taking advantage of Soviet-American disagreements.

The old regional conflicts which have existed for a long time, and in which the USSR and United States are either directly or indirectly involved, have lost many of the features of a local wing of the global confrontation between the superpowers. Some of the previously insoluble problems have been solved, such as those in Namibia or Nicaragua, for example; others are close to resolution, and the circumstances of some are more complex, but the level of USSR-U.S. mutual understanding is quite high everywhere, and both countries have a desire for lasting peace in unstable regions, and the intensity and quality of their dialogue inspire optimism. The difficulties in resolving some conflicts, however, are already connected with the inflexibility of the sides directly involved and indicate that the influence of the USSR and the United States on opposing forces is frequently quite moderate.

The limited possibility of influencing the conflicting sides is largely due to the local roots of regional conflicts and to sociocultural factors—differences in personal and public thinking, in outlook, and in emotional responses to existing problems and possible solutions. Numerous conflicts and disputes with territorial, religious, ethnic, and other origins still exist in the Third World. The boundaries between states were frequently drawn arbitrarily, dividing many national and ethnic groups, religious communities, and communities with common traditions and cultural features.

Armed conflicts have broken out and are breaking out in these countries and between them and will probably continue to break out in the future. These apprehensions have been expressed in Washington. When President Bush addressed the 44th session of the UN General Assembly, he stressed that "regional conflicts are fully capable of posing the greatest threat to world peace in history." In the past, the Third World states included in the orbit of Soviet-American confrontation were influenced by a definite deterrent, the strong probability that the "other" superpower would take countermeasures to restore the disrupted balance. The waning significance of regional conflicts in global confrontation and the consequent waning interest in them on the part of stronger states could arouse the dangerous illusion of absolute indemnity and impunity in the ambitious and adventuristic leaders of countries with sound claims to regional

leadership. The high level of arms and the possession of missiles and weapons of mass destruction could contribute to this. It is no secret that dozens of countries not included in the "big five" are potentially capable of developing their own nuclear weapons. Many of them, such as Argentina, Brazil, Israel, India, and Pakistan, have not signed the Treaty on the Non-Proliferation of Nuclear Weapons. As for chemical and bacteriological weapons, the possibility of their proliferation is still difficult to assess.

It appears that many of the developing states might be more inclined, because of the psychological and cultural characteristics of their populations, to settle existing and new disputes with force, including military force, viewing violence as a natural policy instrument that does not conflict with moral standards. There is nothing strange about this in view of the fact that even Europe, which had traveled the long road of civilized development, only began recovering from the illness of foreign policy violence less than half a century ago, after experiencing the bloodiest of all wars. The world leaders, the USSR and the United States, have just begun making the move from violent confrontation to negotiation and political methods of settling international disputes by means of dialogue, the consideration of mutual interests, and cooperation.

There is another destabilizing factor in the Third World: The decades of bipolarity caused the birth of a certain number of "anti-regimes" there—i.e., regimes building their policies on a negative basis—anti-imperialist and anti-American or anti-communist and anti-Soviet—and sometimes on the nihilistic brand of exclusivity, characteristic of, for example, Iran under Khomeini, in which the declaration of a unique pattern of development is combined with a policy of "neither East nor West." These regimes are usually distinguished by fanaticism and extremism, although they rely largely on populist slogans of an essentially undemocratic nature, and do not have carefully planned and substantiated socioeconomic programs. They put the emphasis on mobilizing their people against some kind of "external threat," frequently imaginary, and rely on military and economic aid from the superpowers and their allies. Their loss of this aid and the external "bogeyman" is tantamount to their ruin. They are capable of seriously destabilizing the situation in their own regions and inciting dangerous international crises for the purpose of maintaining their own authority among their own people. We must not forget that many of them were armed "to the teeth" by the great powers during the years of cold war and their military rivalry in these regions.

The crisis in the Persian Gulf, in spite of all its distinctive features, reflected many of these tendencies.

In view of the high degree of interdependence and the dense intermingling of the interests of various states that are characteristic of today's world and permeate all spheres of international relations, it is obvious that regional conflicts will not remain purely regional in the future either and will draw a more or less broad group of adjacent and interested states into their orbit, including—and perhaps primarily—industrially developed states. This could exacerbate the existing conflicts between developed and developing countries that stem from differences in levels of economic development and the negative results of these differences: foreign indebtedness, non-equivalent exchange, economies relying excessively on raw materials, etc.

A comparison of the fundamental policy-related interests of various states and groups of states suggests that multipolar patterns of world politics could eventually, and perhaps quite soon, shift the axis of tension from the horizontal line of coordinates to a vertical one and, as many political scientists have predicted, replace "East-West" confrontation with equally dangerous "North-South" confrontation. This would mean that the main contradiction of this new era might not be the conflict between "socialism and capitalism," but one between states with different levels of economic development and, consequently, different levels of political sophistication. The main global conflict of the era will move from the political-ideological to the political-economic sphere. Obviously, this will not be the traditional form of concentrated bipolarity, but the existence of two large power zones, one of which will be made up of the developed countries, with common vital interests in spite of their specific differences, and one of which will consist of the politically and economically diverse developing countries, still influenced to some extent by the "strong" countries and prone to outbursts of violence. We must remember that the "rules of civilized behavior," which took shape over centuries within the confines of the European humanistic type of culture, coincide little—or not at all—with the traditions of the Third World nationalities, with their alien national and personal views of the world. The friction between developing states could turn into wars or at least into armed incidents. In a battle with a stronger opponent, when there is no chance of victory in direct confrontation, there is the danger of the increasingly broad use of terrorist methods—the underhanded blow that is the weaker opponent's secret weapon.

Obviously, the gradual maturation of the economic and sociocultural prerequisites will slowly bring the Third World states up to the level of the more advanced countries and will change the "poles." This process is already evident today. Its steady development will take time, however, and serious reversions to violence and the destabilization of international affairs will be possible during this more or less lengthy period.

The formation of this new global structure of confrontation, however, does not appear to be an inevitable and irreversible process. The world is standing at a crossroads today: One road might lead to an integral and harmonious world, while the other could lead to a new form of confrontation. We must choose the right road. This is why the main objective of the world community, particularly the countries with a special responsibility to

guarantee international peace and security, is the prevention of a new form of bipolarity. The international community must make a difficult but fundamentally important and historic choice: Will world development take the old beaten path of successive armed conflicts or will international relations enter the qualitatively new phase which President Bush refers to as the "new world order" and which will be based on cooperation, the peaceful settlement of disputes, and a balance of the interests of all countries and peoples?

The United States in a Changing World

Possible ways of achieving the "new world order" are being discussed widely in the American political and academic communities. Most of the discussions focus on two options for the United States, differing in the relative degrees of unilateral and collective action. Henry Kissinger had this to say about this duality: "In the new international order there will be many power centers, both within large regions and in the relations between them. These power centers will reflect differences in history and beliefs. In this kind of world, peace will be maintained by one of two methods: domination or equilibrium." In connection with this, the American administration must make a choice: Can any one country, even a country as strong as America, be the universal "guardian" of stability, the "world judge and policeman," or will the new order be secured only by the collective efforts of equal participants in international relations? In other words, how valid and productive is the policy based on hegemonic principles, with its characteristic imposition of American ideals and standards of foreign and domestic behavior on other countries throughout the world by any means whatsoever, even military? Do the objective and tangible conditions still exist for the United States to reserve this "responsibility" for everything that occurs in every corner of the world? The basic principles of the Republican campaign platform on which the Bush administration planned to base its foreign policy listed Reagan's triad: strength, realism, and dialogue. Furthermore, it stressed that "dialogue and contacts are successful only when they are conducted from a position of strength." The Republicans declared their intention to "advance the cause of peace and freedom throughout the world, using the military strength of the United States as a means of guaranteeing the security of the country and the outside world."

The Bush administration, just as its predecessor, declared the "guarantee of the United States' leading role in the world" as its main foreign policy goal. In other words, the Bush administration had clearly globalist aims even before it entered the White House.

When Bush took office, however, there was a qualitatively new situation in the world. As the President himself remarked, "international relations have entered an exceptionally interesting stage: a stage of movement." Furthermore, he said that "most of the changes are positive from the standpoint of American values and

interests." The U.S. administration tried to introduce new elements into its policy to correspond to these changes. The willingness to accept the use of political diplomacy in the settlement of regional conflicts became apparent largely under Bush. Soviet-American dialogue on regional issues became much more animated and acquired an essentially different nature—both in the degree of its intensity and stability and in the range of the issues discussed. The Bush administration displayed a perceptible inclination to use international efforts to resolve regional conflicts. "I see," President Bush declared, "a worldwide tendency toward fuller awareness of the need for the joint resolution of worldwide concerns, such as the peaceful settlement of conflicts." The new U.S. approach, based on cooperation instead of diktat, proved to be quite effective in the resolution of several regional conflicts—in southern Africa, Central America, and Southeast Asia.

The complexity of foreign policymaking in a state as powerful as the United States stems from the fact that the world had entered an important transition stage. It is impossible to simultaneously claim the leading role of a world superpower and build a global community of equal states or to pursue a flagrantly coercive policy with an emphasis on force and strive for universal cooperation for a better world. In spite of the obvious need to view the world and ourselves in a new way, it is difficult to escape the influence of traditional stereotypes and customary and tenacious approaches, which will result in a combination of old and new practices in the pursuit of policy for some time. The duality and inconsistency of American behavior were reflected in the efforts to resolve the crisis in the Persian Gulf.

"Challenge to the Better World"

The seizure of Kuwait by Iraq and its annexation were an unexpected and painful blow to the world community. This turn of events, however, could have been foreseen. After the bloody and endless war with Iran, the Iraqi leader needed moral and economic rehabilitation. By the end of the war Iraq's foreign debt exceeded 70 billion dollars, and the restoration of the country's economic potential would have required around 150 billion dollars. Iraq failed in its attempts to raise OPEC oil prices dramatically (from 18 to 25 dollars a barrel) and to write off its debt of 50 billion dollars to the Persian Gulf countries. The Iraqi leadership was particularly irritated with Kuwait. Iraq had never recognized it as a state and regarded it as a part of Iraq's territory that had been wrested from it by Great Britain. Baghdad did not recognize the land border with Kuwait, established in the Ukara Protocol of 1922, either and claimed two Persian Gulf islands of strategic importance (access to the sea) to Iraq. Border questions had given rise to crises in the relations between the two countries twice—in 1961 and in 1973. A new crisis was brewing by August 1990. At a meeting of Arab League Council in Tunis on 18 July, Iraq accused Kuwait of deliberately increasing oil production and driving the price down, of "stealing" Iraq's oil from the Rumaila oil field, and of refusing to seek a

constructive solution to the group of border problems. The breakdown of the Iraqi-Kuwaiti talks in the Saudi city of Jiddah in July 1990 marked the beginning of coercive action in the brewing crisis.

The world community, including the USSR and the United States, was preoccupied at that time with the elimination of global confrontation, the changes in Europe, and the efforts to resolve existing regional conflicts. The prevention of new regional conflicts was acknowledged as a matter of vital importance, but it was not seen as an urgent objective at a time when the possibility of new seats of dangerous regional tension was not being given any serious consideration.

As far as the Middle East was concerned, we must say that the Soviet Union had been trying for a long time to direct the United States' attention to the problem of the uncontrolled arms race that had engulfed the countries there. An indicative statement in this context was made by E.A. Shevardnadze in Cairo in February 1989, when he pointed out the dangers of the military-political situation in the Middle East and proposed a comprehensive and coordinated plan for the reduction of military tension in the region, entailing joint efforts by the two superpowers. The United States did not pay the necessary attention to these proposals at that time. It is true that several rounds of Soviet-American consultations on transfers of missiles and missile technology, including shipments to the Middle East, did take place, but their results did not affect the state of affairs in the region. In spring 1990 the United States was concerned about the reports of Iraq's attempts to strengthen its potential in the sphere of weapons of mass destruction. This concern was expressed in two White House statements, but it did not go any further than this. The U.S. administration was also aware of the Iraqi-Kuwaiti disagreements. There is a great deal of speculation about this in the United States itself today. The President is being accused of failing to inform Iraq of the permissible boundaries of its behavior, and some people have come close to accusing American diplomats of indulging S. Husayn. It is a fact, however, that a potentially explosive situation was "overlooked," so to speak, because of the preoccupation with other concerns.

There is no question that Iraq's aggression against Kuwait was a flagrant violation of international law and the standards of civilized behavior. Furthermore, Iraq's actions could have undermined all of the efforts of recent years to improve the international climate, lessen global and regional tension, and cultivate the spirit of cooperation and trust between all of the countries and people of the world. It would be difficult not to agree with President Bush's description of Iraq's action as a "ruthless attack on the very essence of international order and civilized ideals" and "a challenge to the better world we all hoped to build after the cold war." The crisis in the Persian Gulf effectively became the first severe trial on the road to the new stable and secure world. A great deal depended on its outcome: It could have set a dangerous precedent, capable of setting an entire group of conflicts

and ambitious aspirations in motion in the Third World. The United States, the Soviet Union, and the world community as a whole could not allow this to happen.

Together or Alone

The reaction to Iraq's behavior was swift and uncompromising. Let us trace what the United States did during the 7 months of the crisis. On 2 August, the first day of the aggression, the United States, just as the USSR and many other states, issued a statement condemning Iraq's invasion of Kuwait and demanding the immediate and unconditional withdrawal of Iraqi armed forces from Kuwait's territory. That same day the UN Security Council passed Resolution 660, which said the same thing, at an emergency session. On 3 August J. Baker made a special stop in Moscow on his way from Ulaanbaatar to discuss the situation with the Soviet minister of foreign affairs. He and the minister issued a joint statement at Vnukovo Airport. The two countries announced they would institute limited economic sanctions against Iraq. On 6 August the UN Security Council passed Resolution 661 on comprehensive trade and financial sanctions against Iraq. After this, on 9 August, President Bush issued the corresponding executive orders 12724 and 12725.

On 8 August Bush announced that American troops would be deployed in Saudi Arabia—at its request. The transfer of U.S. Army subunits began the next day. The stationing of American troops in the conflict zone had not been sanctioned by the United Nations, and there was no advance notification of the Soviet Union and Security Council. The United States' actions in this case, however, were fully consistent with the standards of international law and particularly with the provisions in Article 51 of the UN Charter, envisaging the right of states to collective and individual self-defense. Furthermore, Bush stressed that the American troops were on an "exclusively defensive" mission. After this the U.S. administration began vigorous diplomatic efforts to form a coalition with other states.

On 25 August, in Resolution 665, the Security Council effectively instituted a maritime blockade of Iraq and allowed the use of force for its enforcement, and on 25 September it passed Resolution 670 on a partial air blockade of Iraq. The United States acted within the mandate of these resolutions.

By the beginning of November the United States had concentrated enough of its armed forces in the Persian Gulf to carry out all of the functions included in defensive operations. Top-level American officials began suggesting that although the sanctions were a good thing, sanctions alone would not, judging by all indications, solve the problem. American diplomats began working on the draft of a new Security Council resolution. This was accompanied by the continued buildup of military strength in the Gulf. The qualitative change in the functions of American armed forces in the zone was officially recorded in the President's decision to send

additional subunits of U.S. armed forces to the Persian Gulf on 16 November 1990. "The deployment of armed forces," Bush explained, "will guarantee that the coalition will be capable of taking offensive action if our common goals should necessitate this." Once again, the United States chose to enlist the support of the international community. Security Council Resolution 678 of 29 November 1990 stipulated that on 15 January 1991, at the end of the "goodwill interval," the United States would be able to "use all necessary means," which would naturally include military means, "to uphold and implement Resolution 660 (1990) and all subsequent Security Council resolutions and restore international peace and security" in the conflict zone. The U.S. administration probably still had some hope that the threat of a military strike would force the Iraqi leader to withdraw from Kuwait and that the conflict would end peacefully. Bush proposed direct negotiations with Iraq for this purpose. Baghdad's procrastination and the complete absence of positive results at Secretary of State J. Baker's meeting with Iraqi Foreign Minister T. 'Aziz in Geneva on 9 January 1991 clearly indicated that the Iraqi leadership was suffering from what Academician Ye.M. Primakov called the "Masada complex." It became obvious that the military option could not be avoided if these views continued to prevail in Iraq. Later events were dictated by the logic of warfare. The Soviet Union was notified of the beginning of the air strikes against Iraq, on 17 January, only an hour in advance, which excluded the possibility of any kind of effective diplomatic efforts, particularly in view of the fact that the news arrived at night. The administration did agree, however, to postpone the ground assault for a week, partly to give the Soviet Union a chance to try "working" with Iraq one more time. If Baghdad had not decided to play word games again, the opportunity might not have been missed, and the "100-hour war" might never have been, but when Saddam Husayn had to choose between "defeat with honor" and "defeat with dishonor," as A. Bovin aptly described the alternatives, Husayn chose the latter.

Therefore, the United States tried to stop the Iraqi aggression in two ways. The United States made active use of the possibilities afforded by articles 41 and 42 of the UN Charter (measures not connected with the use of armed force; shows of strength, blockades, and other operations by the air, naval, and ground forces of UN members) to exert political and economic pressure on Iraq. During the preparations for the military operation against Iraq, the United States relied more on Article 51 of the UN Charter (the right to individual and collective self-defense).

The U.S. administration's efforts to find a peaceful solution were made within the framework of the collective measures planned in the UN Security Council and in accordance with them. This was the purpose of the first 11 Security Council resolutions on the crisis in the Persian Gulf. President Bush repeatedly stressed that the "key" to unlocking the crisis was collective action.

American diplomats acted in close coordination with the USSR, the United States' West European allies, and the Arab countries involved.

The preparations and conduct of the military option, on the other hand, were essentially a matter of individual action by the United States. Once again, however, the administration tried to form a military coalition of the states opposing Iraq and chose to enlist UN support in the form of Security Council Resolution 678. Furthermore, Bush repeatedly stressed that this was not a war between America and Iraq, but a war between Iraq and the rest of the world, emphasizing the collective nature of the measures that were being taken. He also informed his American listeners that "it cannot be termed insignificant that this is not action by the United States alone, but by the United States with the support—or joint effort—of the rest of the members of the Security Council and an actual majority of UN members."

Therefore, even while the United States was relying wholly on its own strength, it wanted to give its own actions the appearance of an international effort. The Soviet proposals on the use of the full potential of the United Nations, particularly the Military Staff Committee of the Security Council, won no support in Washington, and neither did the prospect of creating UN armed forces to counteract Iraq's aggression. The United States had clearly calculated the most acceptable "limits of collective action" for itself.

After the Resounding Victory

The offensive operation in Kuwait and Iraq had the best possible outcome for the United States. The victory was quick and the losses were only symbolic. America demonstrated its strength in action and its ability to win a military victory in a confrontation with a strong opponent after the faith in this ability had been undermined by the failures of recent decades. A great nation cannot bear humiliation for long. It inevitably seeks opportunities for exoneration. After the ambiguity of Korea, the disgrace of Vietnam, and the inability to defend the U.S. citizens in Iran, the American leaders had a psychologically understandable and justifiable desire to restore American authority and surmount the inferiority complex in the American mind. This was the purpose of President Reagan's policy, which assigned priority to the buildup of U.S. military strength and which put the emphasis in regional affairs on shows of strength—in Grenada, Libya, and the same Persian Gulf during the Iran-Iraq war. The Bush administration continued this process and conducted its first test of strength in Panama. The crisis in the Persian Gulf gave the Americans a unique historic chance, and they made use of it. President Bush proudly announced to the nation on 2 March that the Vietnam syndrome had been buried forever in the Arabian sands. The goal of the Republicans' policy had been attained.

Now we come to the main question: How does the United States intend to use its strengthened authority

and its new capabilities to resolve existing and possible future regional conflicts? Will it continue to put the emphasis on collective decisions based on a balance of the interests of all sides, or will it try to usher in the "new order" by strengthening its own role as "world leader" and imposing its own beliefs about the external and internal aspects of regional settlement? How important will the factor of U.S. military strength and the limits of its influence be in the resolution of regional instability and crises in various parts of the world?

Today many people in the United States are saying that there is only one superpower with unlimited potential left in the world and that America is now the undisputed world leader. Some have expressed the fear that Washington will be tempted to begin instituting the "Pax Americana" pattern throughout the world, flexing its military muscles and pursuing a coercive policy. This evolution of the U.S. foreign policy line seems improbable because there is no longer any objective basis for it. It is not surprising that political officials in the United States, in contrast to the press, have refrained from making excessively emotional remarks in this context.

People in Washington realize that the time has come to review many of the concepts that took shape and gained support during the cold war years and to bring them in line with the new realities of international relations. During the period of global "East-West" confrontation, the Third World states could allow slight infringements of their interests for the benefit of the strongest power in confrontations with a "common enemy," although they usually did this only with extreme reluctance. Today this motivation is losing all of its strength. The primary concern today is not safety from "communist expansion and subversive activity," but cooperation, primarily mutual beneficial economic cooperation. The concept of the "superpower" is undergoing corresponding changes. It is more likely to be associated with Mercury than Mars. In the sphere of economic potential, the United States has serious rivals. They are the "richest person in the world"—Japan—and the united Europe with its new and stronger Germany. Now that the United States is experiencing economic difficulties of its own, it would have trouble pursuing a globalist policy in line with old traditions.

It is significant that the interests of the United States and the whole international community coincided in the case of the crisis in the Persian Gulf, but things could be completely different in other existing and possible regional conflicts. It is doubtful whether the United States could deal with any explosive regional situation on its own if its actions were to be opposed by other world power centers.

As for the possibility of imposing American patterns of internal behavior on Third World countries, we must not forget the disparate socioeconomic development of different countries and peoples. The level of economic development which determines the lifestyle of people is reflected in their mentality, and consequently in the public and national mind as a whole and in the level of social awareness. This is one of the reasons for the differences between prevailing national views of right and wrong, of the best form of social organization, and of the moral content of policy and corresponding form of government. The historical process is objective and continuous and does not tolerate deletions. When people are forced to accept an alien form of political organization or model of behavior and alien solutions to domestic problems, it sooner or later becomes apparent that the new and modern political forms are only a cover for the traditional socioeconomic structure corresponding to the historical level of development of the material and spiritual culture of the people, and frequently also the traditional political structure, in which only the terminology has been changed. There are many examples of this. This is why the United States' declaration of the "advancement of the principles of democracy and the free market throughout the world" as its foreign policy goal is nothing other than a combination of naive idealism and ambitious messianism, which may proclaim historically positive objectives but must lead to ultimate disillusionment. The market takes shape gradually and under a specific set of circumstances, and democracy is a reflection of this process in the political sphere. Neither can come from outside, and we in the Soviet Union know this from our own experience.

Realistic politicians in the United States and other Western countries realize this. A joint report by the former foreign ministers of Great Britain and Japan D. Owen and S. Okita and former U.S. National Security Adviser Z. Brzezinski, for example, specifically said that "skeptical feelings about communist doctrine did not automatically cause Third World countries to accept the doctrine of a free market of the Japanese, West European, or North American type, but urged them instead to seek solutions of their own." The authors of another report, prepared for the Committee on Foreign Affairs of the American House of Representatives, discussed the acceptability of various forms of social organization to Third World countries—"Marxism-Leninism" (USSR), "democratic capitalism" (United States), and "democratic socialism" (Western Europe)—and concluded that "none of these competing forms will be fully acceptable to the people of the Third World, who have their own interests and views of the future."

The United States was able to resolve the crisis in the Persian Gulf with the aid of military force. If it should try, however, to use the factor of force and its own military strength to solve other international problems, including problems in different parts of the world, this will contradict the goals it declared during the war against Iraq: the prevention of the use of force to settle international disputes and disagreements. There is no question that the United States' political authority in the world was enhanced by the defeat of Iraq, but Washington would be wrong to abuse it. In a democratic community of equal states, the intensification of the authoritarian inclinations of any member, however

worthy, will arouse the apprehension and hostility of the other members, because they could be viewed as encroachments upon their equal rights and actually could infringe the rights of all by imposing the will of one.

The use of power politics by the United States in the Third World could also be the deciding factor in the establishment of confrontational relations between developed and developing countries, creating the new "North-South" bipolarity. This could be particularly dangerous if the former "East" were to move into the sphere of the "South," a possibility which has been discussed in recent years by several Western economists and political scientists. This would tip the world political balance in a negative direction and could lead to the serious escalation of international tension.

In addition to the objective world tendencies, there are several internal factors circumscribing Washington's pursuit of a globalist policy based on force.

During the present stage of world history, hegemonism and globalism in foreign policy would conflict sharply with the United States' own declared values and ideals, particularly the ideal of democracy and freedom. Participants in international relations—states and peoples—must be just as equal and free from external pressure as the members of a democratic civil society, the citizens, and the decisions they make should be an expression of the common will—i.e., they should be based on consideration for the interests of all and a balance of these interests, which would exclude the possibility of the diktat and coercion that are characteristic of hegemonic globalist policy. It is doubtful whether the American public will continue allowing "American boys" to be sent to their deaths against their own principles. In any case, military operations now require extremely sound justification.

It is significant that conditions were relatively favorable for combat operations in the conflict with Iraq, especially operations involving the use of modern types of equipment and high-technology weapons. The level terrain of the desert, the presence of territory for the deployment of large forces, and the proximity of the conflict zone to the sea maximized possibilities for the use of all types of forces and simplified the destruction of enemy targets and installations. Things would have been different in cities or jungles, in losses of personnel if nothing else.

The financial burden of the war was also sizable. According to various estimates, U.S. expenditures on the entire operation in the Gulf amounted to around 100 billion dollars. In view of the United States' current economic difficulties and the economic problems it will have to solve in the near future, these expenditures could have an extremely adverse effect on the country's economic health.

Nevertheless, we must not forget that more than a third of the armed forces of the anti-Iraq coalition consisted of non-American troops, and the financial burden necessitated the solicitation of large sums from other states—Kuwait itself, Saudi Arabia, Japan, and Germany.

It appears that another important result of the crisis in the Persian Gulf was the United States' realization of the need for, and effectiveness of, collective coordinated effort in the resolution of acute international problems and of the correspondence of this approach to its own interests, especially now that, as H. Kissinger put it, "the United States will not and must not continue dominating." The end of global confrontation means the end of hegemonic globalist policy. Of course, the United States still has interests of a global nature because of its influence and significance in world politics and its extensive involvement in world economic ties. The United States is also certain to make a sizable contribution to the guarantee of international stability, but the race for world leadership in its earlier military-political interpretation has lost all meaning and justification.

This does not mean that people in Washington will completely ignore the strength and capabilities of the United States' chief adversary in the many years of global confrontation—the Soviet Union. The current changes in the USSR and in international affairs, however, have clearly shown that the strategic competition between the USSR and the United States has been radically diminished and has acquired a tendency to turn into its opposite—cooperation, and even partnership in some cases. The threat to U.S. world interests from the USSR has largely disappeared. There is also another side of the "Soviet factor" which arouses serious apprehensions in Americans and is being used to substantiate the need to maintain U.S. military potential on a high level. People there are not completely excluding the possibility of the kind of exacerbation of the internal political situation in the USSR that might have a dramatic effect on world stability and change the balance of power and the direction of international development in general. This is why the U.S. administration has been wary of such processes as the deceleration or interruption of economic reform in the USSR and the mounting centrifugal tendencies in its political structure and government. This, however, is a different type of wariness, stemming not from deliberate and conscious confrontation between the "superpowers," but from an attempt to guard against the possible negative consequences of chaotic developments.

Toward the New World Order

The new world order, based on cooperation, interaction, justice, and non-violence, can only be built through collective effort and the consideration and coordination of the interests of all countries and peoples. In addition to necessitating progress in the sphere of general disarmament and multilateral cooperation, the attainment of this ideal will require the resolution of several specific

and fundamental problems connected with the management of friction and conflicts on the regional level. It appears that this work should be conducted in at least three areas.

First of all, immediate and completely capable action must be taken for the quickest possible elimination of old existing conflicts, particularly those constituting a legacy of the confrontational atmosphere of the many years of cold war. The foreign powers involved in these conflicts, primarily the United States and the USSR, should exert maximum influence on the conflicting parties to urge mutual concessions in the search for acceptable compromises and to begin political dialogue reinforced by the authority of the international community, represented by the United Nations.

Egotistical interests must be discarded for the immediate elaboration of a collective approach by the countries producing arms to the problem of arms shipments to the Third World and military cooperation with the developing countries. The "rules of behavior" that have been discussed for such a long time by many analysts in the United States and the USSR would be useful here. During this process, the flaw in the principle of "reasonable sufficiency," in which the country's level of arms depends on the levels of its neighbors, can and should be corrected by basing the regional balance on the principle of "negative symmetry"—i.e., safeguarding security by reducing excessive military potential rather than building up insufficient potential.

The creation of regional security and stability systems throughout the world is one of the most important objectives of the period of transition to the new world order. The general principles of the maintenance of peace and the development of cooperation are recorded in the UN Charter. The first positive experience has been seen in Europe. We can hope that the Middle East will be next. This work must be done simultaneously rather than sequentially, however, to prevent the formation of vacuums and the flare-up of tension in one part of the world after another. The subsequent "coupling" of regional security and stability systems is a realistic way of establishing a global system of international security—i.e., the main international-political component of the new world order.

Second, the establishment and development of a preventive UN mechanism to avert regional conflicts will be of great value. Obviously, every regional situation does not necessarily have to lead to armed conflict or military confrontation. Purposeful multilateral effort could do much to "contain" a conflict and "envelop" it in a cocoon of international cooperation to promote the settlement of disputes. We will have to search for the best types of preventive mechanisms, based on common goals and principles, but with a view to the local conditions of conflict zones. Obviously, the use of pressure, including military force, will still be required in some cases. This option cannot be excluded yet. The crisis in the Persian Gulf proved that action of this kind should

be taken under UN auspices in some form and that coordinated political-diplomatic and economic measures to influence the violator of international law can minimize the need to use military force.

Third, purposeful efforts will be required to lessen disparities in the economic development of Third World countries. The need to help developing countries enter a qualitatively new stage of economic development is increasingly obvious. The move to modern methods of production will give rise to the kind of changes in the cultural and mental state of young nationalities that will naturally give them the ability to accept progressive forms of political organization.

Progress in these areas will lead to an integral and harmonious world and the avoidance of all types of "polarity"—the old type and possible new types. The United States has an important role to play in this process, and the crisis in the Persian Gulf proved that the United States can and will play an active and positive role.

The defeat of Iraq aroused euphoric feelings in the American public and evoked a surge of patriotism and national pride. Many extreme judgments and recommendations regarding American behavior in the future were made at that time. It is possible that U.S. policy will become more rigid and less flexible for some time because of these feelings, but this is likely to be only a temporary development. The Americans' inherent pragmatism will straighten out their policy line and direct it back into constructive channels. It is possible that it might take the United States longer than other states to adapt completely to the primacy of collective effort over strictly individual interests and to the need to harmonize interests. Obviously, it still could revert to power politics and attempts to gain unilateral advantages and impose its own decisions on others. We can hope, however, that this duality in U.S. policy will not last long, especially now that the end of the crisis in the Persian Gulf has created good conditions for decisive and successful advancement toward a new world order. The U.S. administration's positive feelings about this goal are specifically reflected in its encouragement of multilateral cooperation in the final settlement of the situation in the Middle East and its efforts to continue close interaction and partnership with the Soviet Union in the management of regional conflicts.

It is indicative that although the USSR did not take part in the military operations against Iraq, its political efforts as a whole were given a positive assessment by President Bush and by U.S. Secretary of State Baker, who unequivocally declared that the effective opposition of the aggressor would have been impossible without the support of the USSR. The importance people in Washington attached to the position of the USSR was underscored when Baker felt the need to visit Moscow immediately after his first post-crisis trip to the Middle East.

Therefore, the world is crossing another historic frontier, leaving global confrontation within the bipolar structure of international relations behind. The current transition stage could lead either to new forms of confrontation and struggle for leadership and domination or to a better and more civilized form of political and economic organization, based on peace, cooperation, freedom, and justice. The development of international relations along the second, non-confrontational road will be in the interest of all people, including the Americans.

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Minimal Deterrence and European Security

[Article by Vladimir Andreyevich Manzhola, candidate of historical sciences and docent at Kiev State University]

[Text] The Soviet Union's expression of willingness to accept the idea of a "minimal nuclear deterrent" and discuss its parameters is a sign of the convergence of USSR and Western views on the future of nuclear weapons. It would be an unforgivable mistake to miss this historic opportunity and not provide this process with the necessary momentum. The mutual and multilateral move to the theory and practice of "minimal deterrence" will provide a chance to break the deadlock of the terminological disputes between supporters and opponents of the idea of the nuclear-free world and to begin work on a matter of tremendous separate significance—the deliverance of mankind from nuclear over-arming.

The strategic and tactical nuclear weapons of four of the five nuclear powers in today's world—the USSR, the United States, France, and Great Britain—are in Europe. The Soviet-American INF Treaty, the treaty on the reduction of USSR and U.S. strategic offensive arms, the Paris declaration of the 22 countries, and the Vienna agreement on conventional arms will create a new political and strategic atmosphere conducive to the continued intensification of the nuclear disarmament process and the inclusion of other nuclear powers in this process.

Strategic Nuclear Arms Reduction and Europe

The INF Treaty and the prospect of continued Soviet-American talks on nuclear and space arms and the reinforcement of strategic stability have put the strategic nuclear forces of France and Great Britain on the agenda of future stages of nuclear reduction. It appears that the inclusion of Paris and London in the Soviet-American talks in some way at some time in the future is not only possible, but also necessary, because Europe is the only geographic zone in the world where four nuclear powers coexist within the confines of a limited strategic area, and unless they agree on the general approaches to the

quantitative and qualitative parameters of nuclear deterrence, the strength of any security system proposed here will be extremely illusory.

Any assessment of the possibility of an increase in the number of participants in nuclear arms reduction talks must proceed from the existence of certain constants. First of all, the doctrine of nuclear deterrence is still—and will be for the duration—the basis of French and British policy in the spheres of defense, security, and disarmament. The assumption that France and Great Britain will agree to eliminate their nuclear forces at some stage of the nuclear disarmament process is groundless from this standpoint. Second, we can say with just as much certainty that neither London nor Paris will stop work on the main programs for the modernization of their strategic nuclear forces in the 1990s. Third, their inclusion in the Soviet-American talks will be possible only when these talks are aimed at radical—by one-half or two-thirds—reductions of the U.S. and USSR strategic nuclear arms remaining after the implementation of the drafted treaty, and also—and this is of particular interest to Paris and London—sweeping measures to strengthen strategic stability, prohibit or severely limit BMD systems and space weapons, and reduce the counterforce potential of the USSR and the United States dramatically.

We know that France and Great Britain have declared their many years of adherence to the theory and practice of "minimal nuclear deterrence," holding it up as a model for other nuclear powers. The Soviet Union's willingness to accept this idea and discuss its strategic implications and basic parameters, and the current revision of doctrine and theories in the nuclear sphere in the West are creating a favorable atmosphere for multilateral dialogue on strategic issues for the purpose of agreement on the definition and criteria of "minimal deterrence." These talks are certain to be lengthy and complex. In addition, it will be necessary to take a look at the experience of the countries that adhered for a long time to the strategy of "minimal deterrence." This applies above all to France and its nuclear policy and doctrine of the "weak deterring the strong," which are based on the principles of "proportional" or "minimal" deterrence and the concept of sufficiency.

The French variety of nuclear deterrence has aroused interest in the East and the West. Director T. de Montbrial of the French Institute of International Relations, for example, said that one of the consequences of the INF Treaty, which led to the elimination of two stages of nuclear escalation in the NATO strategy of "flexible response," was the reassessment of the French concept of deterrence by Western experts on nuclear strategy, and the comparison of the basic principle of this theory—the minimal nature of deterrence—with the nuclear strategies of the United States and USSR.[1]

The French theory of nuclear deterrence has also aroused heightened interest in the Soviet Union. This is attested to specifically by the Soviet-French roundtable on "The

Evolution of Military Strategy and Approaches to Deterrence" in Paris in March 1989. When Chief of General Staff of the USSR Armed Forces, Army General M.A. Moiseyev, spoke at the military academy in Paris in June 1989, he said that the French doctrine "does not envisage a military assault on any state" and views nuclear weapons "not as military means, but as a policy instrument at the disposal of the country's political leadership."

In this context, we could expect interesting results from the intensification of Soviet-French dialogue in the military-strategic sphere and the contiguity and even convergence of USSR and French military doctrines through the combination of the Soviet theory of reasonable sufficiency with the French theory of "minimal deterrence."

We can already draw some comparisons and connections between several of the postulates and aims of the Soviet and French military doctrines in the nuclear sphere, such as the common declaration of the strictly defensive nature of the military doctrines, aimed not at conducting war, but at averting war and preventing aggression; the renunciation of the concepts of the disarming, counterforce strike; the common interpretation of the principle of sufficiency as the minimum quantitative and qualitative nuclear potential capable of inflicting "unacceptable damage" on the probable adversary with the aid of a retaliatory strike; the realization of the absolute irrationality of nuclear over-arming and the need to limit antimissile systems and prevent the militarization of space, and so forth.

The further development of Soviet-French dialogue in the military-strategic sphere could aid in revealing the variable equivalents of the nuclear potential of the large and medium-sized nuclear powers during the sequential transition to multilateral "minimal deterrence." These equivalents could probably be defined on the basis of the French interpretation of "proportional deterrence" and sufficiency as the ability to inflict "unacceptable damage" in a retaliatory strike—damage which would equal or surpass the aggressor's possible advantages in the event of a victory—in other words, corresponding to a country's "stake" in the "game."

At this time France defines the sufficient and reliable level of nuclear deterrence as the ability of French nuclear forces to destroy from 150 to 200 demographic, economic, and other vitally important targets on enemy territory. This level of sufficiency is to be secured in the early 1990s by constant combat patrols by three (of the existing six) nuclear-powered, missile-armed submarines (around 300 warheads) or four (around 400 warheads) at a time of crisis. According to expert estimates, French nuclear forces will be able to destroy up to 20 percent of the population and up to 70 percent of the industrial potential of a presumed adversary after 1992.[2] Therefore, the French estimates of "unacceptable damage" are close to McNamara's figures (70 percent of the industrial potential and 30 percent of the population).

According to the French interpretation, the "stakes" of large and medium-sized nuclear states in their confrontation differ and depend on their economic, demographic, and resource potential and the size of their territory. A comparison of these figures should produce certain ratios which would lie at the basis of the variable equivalents. For comparisons of the nuclear potential of various countries, for example, several French experts have used a group of figures derived from the country's relative gross national product, population, and number of weapons.[3]

We could assume that the relative nuclear capabilities of medium-sized and large nuclear states are equivalent to 1:5 (or 1:6) and then apply this figure to the widely discussed options of the 75-percent and 95-percent reductions of strategic nuclear arms.

1. In the case of a 75-percent reduction, the nuclear arsenals of the large nuclear states—the USSR and the United States—would decrease to 3,000 nuclear weapons. The ceiling on the nuclear arms of medium-sized nuclear countries—France and Great Britain—would then be set at 500-600 nuclear weapons. This would correspond to the plans for the development and modernization of French nuclear forces (594 weapons) and English nuclear forces (512 warheads) in the 1990s.

As we can see, this option differs from the position of the Committee of Soviet Scientists, which believes that the 75-percent reduction of USSR and U.S. strategic nuclear arms "will be impossible from the political and military standpoints if the other nuclear powers do not join the nuclear disarmament process by that time."[4] Here there is reason to consider the position of London and Paris, which have unequivocally stated that the 50-percent reduction of USSR and U.S. strategic nuclear arms would not be enough to close the gap ("differences in nature and quantity") between the nuclear capabilities of France (a few hundred weapons) and the USSR and United States (10,000-12,000 weapons each). Talks on the 75-percent reduction of the strategic potential of the Soviet Union and United States (to 3,000 weapons) are unlikely to present serious grounds for the demand that France and Great Britain reduce their 1990 strategic nuclear arsenals (292 and 192 weapons respectively) or give up their approved modernization programs for the 1990s. The successful start of these talks between the USSR and the United States, however, would create the prerequisites for the inclusion of France and Great Britain in the negotiating process in matters connected with the reinforcement of strategic stability and the institution of certain limits on the quantitative and qualitative parameters of French and English nuclear forces (presently in the process of modernization).

The willingness of the USSR and the United States to radically reduce the proportional number of delivery systems with a high number of warheads[5] with counterforce potential within the 75-percent option would promote the revision of French and British plans to establish their own counterforce potential (these plans are

connected with the development of the French M-5 missiles with 10 independently targetable warheads and the possible installation of 14 independently targetable warheads on the English Trident-D5 missiles) and reinforce the more balanced approach of Paris and London to these matters. France, for example, announced the postponement of the adoption of the M-5 missiles from 1999 to after 2002. It appears that this decision was not only made because of financial considerations and technical difficulties, but also demonstrates Paris' willingness to adjust its plans in line with the progress in the Soviet-American talks on strategic nuclear arms and the viability of the 1972 ABM Treaty. We also know that the Defense Ministry of Great Britain has announced that the English Trident D-5's usually will not have more than eight warheads.[6]

2. In the case of the 95-percent reduction of nuclear potential and the arrival at the minimal level of deterrence, the USSR and the United States are expected to have 600 nuclear warheads each on single-warhead ballistic missiles with varied basing. Given the ratio of 1:5 (or 1:6), the ceiling on the nuclear potential of the medium-sized powers would be set at 100-120 single-warhead strategic missiles. This would correspond to France's plans to have 114 sea- and land-based missiles in the 1990s and would exceed Great Britain's plans—64 sea-based missiles (which would probably give London reason to reserve the right to keep 128 non-MIRV warheads on the 64 missiles). It is significant that the originally projected level of strategic nuclear sufficiency in France was reached, according to official estimates, in the second half of the 1970s (96 warheads on single-warhead sea- and land-based missiles and 33 strategic Mirage-IVA bombers with one atomic bomb on board), when the ability to inflict "unacceptable damage" on a potential aggressor was defined in Paris as the possibility of putting one of the superpowers at a decisive disadvantage under the conditions of the existing state of military-strategic parity.

In view of the fact that the tendency to equalize nuclear potential would be present in the process of nuclear reduction, the variable equivalent of the nuclear potential of large and medium-sized nuclear states might not be 1:5 (or 1:6) in the case of the 95-percent option. If calculations should confirm this hypothesis and the variable equivalent should be 1:3 or 1:4 in the 95-percent option, the corresponding potential of the nuclear powers would probably have to be adjusted not by raising the ceiling for the medium-sized powers, but by lowering it for the big powers (to 300-400 units).

This point of view differs from the belief expressed in E. Agayev's article, that the mechanism equalizing the strategic offensive arms of the five nuclear powers during the reduction process would lead unavoidably to the emergence of "five equal offensive potentials," which would be contrary to the logic of the French and British "proportional" and "minimal" deterrence (China's nuclear potential was not discussed in this article). We can agree, however, with the opinion of E. Agayev, as well as I. Tyulin and A. Zagorskiy, that "multilateral minimal defensive and transparent deterrence" would play a positive role from the standpoint of European and global stability and security.[7]

It appears that strategic equilibrium during the transition to minimal multilateral deterrence would not be inconsistent with certain forms of French-British cooperation in the nuclear sphere (as long as the national and autonomous nature of their nuclear forces were to be observed) or with the United States' strategic attachment to Western Europe in the form of some (even if only symbolic) American nuclear presence on the continent, or even with the possibility of combining the land- and sea-basing of single-warhead ballistic missiles with a view to the distinctive features and interests of individual nuclear powers. The stabilizing role of the multilateral minimal nuclear balance would be enhanced by the fact that all of the "poles" of nuclear deterrence on the European continent—the USSR, the United States, and Western Europe (with two autonomous national centers)—would have equal or comparable levels of nuclear potential, capable of inflicting "unacceptable damage" in a retaliatory strike but incapable of delivering the first counterforce, disarming strike.

Tactical Nuclear Systems and "Minimal Deterrence"

The elimination of the danger of nuclear conflict on the European continent would be unthinkable without solving the problem of tactical nuclear weapons (TNW), which was assigned priority after the signing of the INF Treaty and the Vienna agreement. The maximum saturation of Europe with tactical nuclear systems would be simply absurd, even with a view to the opinion of many experts, that the nuclear component plays a stabilizing role in safeguarding European security. Most experts in the West and the East agree with the need for the radical reduction of tactical nuclear potential to the minimum quantitative level acceptable to the advocates of reliance on minimal nuclear deterrence and the supporters of the theory of reasonable sufficiency.

The problem of tactical systems in nuclear confrontations on the European continent is complicated by several factors:

There are complex and contradictory estimates of the existing nuclear potential in Europe. The Soviet Union believes that the combined nuclear strength of the sides is approximately equal in Europe. Members of NATO groups underscore not only the missile superiority of the other side, but also its general superiority in tactical nuclear systems—measuring 1.7-fold.[8] Furthermore, people in the West are convinced of the East's significant superiority in tactical atomic weapons. If Western estimates of the number of USSR tactical weapons (up to 10,000)[9] are too high, then why are published figures in the Soviet Union on the correlation of tactical nuclear systems confined to the numbers of TNW delivery vehicles and why do they not include the corresponding indicators for nuclear weapons (especially in view of the

fact that the number of weapons was acknowledged as the main indicator at the talks on strategic nuclear arms)? The extremely cautious and vague assessment of the number of tactical weapons at the disposal of the USSR as "slightly less" than NATO's is unlikely to satisfy the Western or Soviet public;

The considerable diversity of vehicles for the delivery of TNW, their dual purpose in most cases (they can be used for nuclear and conventional weapons), and the main thing—the close integration of nuclear systems in the ground, air, and naval forces of NATO and the USSR, in the structure of large units up to and including divisions, as well as large strategic troop formations, pose the real threat of the quick and uncontrollable "nuclearization" of an armed conflict;

NATO's persistence in adhering to the principle of the first use of nuclear weapons during the initial stages of a hypothetical armed conflict lowers the "nuclear threshold" considerably and increases the danger of nuclear conflict and of its escalation. The Soviet Union is known to have renounced the first use of nuclear weapons, but people in the West pay less attention to announcements and declarations than to the presence of a physical infrastructure in the USSR for combat operations using nuclear weapons in a "mirror image" of NATO's actions.

Several steps were recently taken in the East and the West to coordinate the views of the sides on the issue of nuclear confrontation in Europe with tactical systems.

The United States and NATO reconsidered their position on the modernization of the American Lance missiles. The decision not to modernize the American land-based tactical nuclear weapons, including the refusal to develop the new Lance-2 missile and the new W-79 atomic shell for the 203.2 mm howitzer, was made in spring 1990. At a NATO Council meeting (in London on 5-6 June 1990), the members agreed to the start of talks on nuclear arms in Europe as soon as the agreement on conventional arms had been concluded and proposed the withdrawal of all artillery weapons from Europe.

In order to create favorable conditions for the start of talks on nuclear arms in Europe, the Soviet Union decided to begin a unilateral reduction of 60 tactical missile launchers and more than 250 pieces of atomic artillery in Central Europe and the removal of 1,500 nuclear weapons. In all, 140 missile launchers and 3,200 atomic weapons had been removed by the end of 1990.

All of this created a new situation and provided an opportunity to reach a fundamental agreement in November 1990 on the start of new USSR-U.S. talks on the reduction of short-range nuclear weapons.

The discussion of the future of nuclear weapons in Europe and ways of achieving their radical reduction to the minimum quantity would be unthinkable without a

substantial revision of the doctrinal, strategic, operational, and technical-organizational ideas about TNW that have prevailed until recently in the West and the East.

1. There is a need to eliminate the glaring contradiction between political and military-strategic aims in the sphere of nuclear arms. There are the well-known political statements by leaders of the USSR and the United States and of the Warsaw Pact and NATO, which can be found in joint Soviet-American documents and the documents of both military-political alliances, about the impermissibility of nuclear war and the impossibility of winning one. The military-political mentality in the West and the East, however, persists in viewing tactical nuclear weapons as weapons for the theater of military operations (TMO)—the material basis of the idea of "nuclear battle" in Europe. The elimination of this contradiction will require the refusal to view TNW as battlefield weapons and the assignment of a primarily political-diplomatic nature to the theories about their use within the framework of the concept of strategic nuclear deterrence.

2. On the level of military doctrine, TNW and SNW should be viewed as a "single set" of nuclear deterrents, intended not for fighting a nuclear war, but for averting it and preventing aggression. In line with this approach, TNW represent part of the strategic deterrent and are to be used at the very beginning of the deterrence process. Within the confines of this process, the use of TNW is to be kept separate from the use of conventional forces and arms to enhance the strategic nature of the deterrence. In this context, it is significant that France has decided to replace the term TNW with PNW (pre-strategic nuclear weapons).

3. The French idea of using TNW (or PNW) only as the "ultimate warning," to demonstrate to a possible aggressor the determination to use strategic forces in response to continued aggressive action, is of interest in this context. In the second half of the 1980s the idea of the "ultimate and only (final) warning" was of a strictly strategic nature, intended to create an opportunity for "final and urgent talks"[10] on the settlement of a crisis before the French president's decision to commit the country's strategic nuclear forces to action. This excludes the possibility of using TNW (or PNW) as battlefield weapons. This interpretation of the "ultimate warning" concept enhances the strategic nature of nuclear deterrence and allows the renunciation of the primitive concept of "all or nothing" without getting ensnared, as T. de Montbrial stresses, in the "delicate subtlety of flexible response."[11] In his opinion, the new interpretation of the French concept of deterrence could bring French strategy into closer agreement with NATO strategy. The statement in the NATO Council's London declaration about the bloc's willingness, in a "transformed Europe," to accept a "new strategy" for NATO, which would actually make nuclear forces the "last resort," can be seen as a step in this direction.

It appears that the idea of using TNW as the "ultimate, only, and final warning" could aid in an agreement on a temporary modus vivendi between the supporters and opponents of the principle of no first use of nuclear weapons and between the advocates of the strategy of flexible response and the supporters of the refusal to use TNW as battlefield weapons, if not in the convergence of their positions. This could help in planning ways of raising the "nuclear threshold" considerably and could therefore reduce the danger of nuclear conflict in Europe.

4. The concept of the "ultimate warning" requires a minimal quantity of nuclear weapons, which would allow the West and the East to reconsider their views on levels of TNW potential. West German expert E. Barr remarked that "the French line of reasoning regarding the use of pre-strategic weapons as the ultimate and only warning is convincing only if it is based on an extremely limited number of delivery vehicles—below the level needed for the conduct of military operations."[12] One of the statements in the NATO Council's London declaration is indicative in this context: the statement that the alliance's goal is the achievement of the "lowest and most stable level of nuclear forces needed for the guaranteed prevention of war."

5. The new approach to TNW will require the gradual separation of tactical nuclear systems from conventional arms and armed forces in Europe in the operational, organizational, and technical respect. This is a fairly complex problem, but there is a proper solution, judging by the results of the structural changes in the French armed forces. In 1983 the French "pre-strategic forces" were removed from the jurisdiction of the Army Command and put under the direct jurisdiction of the General Staff of the French Armed Forces, where a special command was set up for them. During the first stages of reduction processes, specialized nuclear artillery divisions (or regiments), missile divisions, and nuclear air squadrons (or air regiments) could be formed and kept separate from the units and formations of the NATO and USSR strategic, air, and naval forces. During subsequent stages, a special command could be set up for tactical nuclear systems under the Supreme Allied Command of the NATO Armed Forces in Europe and the General Staff of the USSR Armed Forces.

6. The radical reduction of TNW in Europe would be unthinkable without a more comprehensive approach to the problem of military confrontation in Europe. In this context, the NATO countries' idea about the priority reduction of conventional arms and the establishment of a "conventional balance" on the European continent warrants consideration. The successful conclusion of the talks in Vienna will create opportunities to lower the level of military confrontation here considerably, eliminate existing imbalances, make the transition to defensive theories, and eliminate all offensive potential in Europe, after which the radical reduction of TNW on the continent can be broached.

7. Measures aimed at the unilateral reduction of the TNW of the opposing sides are acquiring increasing importance under present conditions. NATO plans include the further reduction of tactical nuclear potential from 4,600 to 2,700 weapons.[13] Some Western experts are proposing an even lower level. Director F. Eisberg of the International Institute for Strategic Studies in London believes that NATO could reduce its TNW to under 1,000 units after the conclusion of the Vienna agreement on conventional arms. The Soviet Union is known to have scheduled a massive unilateral reduction of tactical nuclear systems in 1990. It is anticipated that in 1991-1992 the Soviet Union could, without any threat to its security whatsoever, embark on a unilateral reduction of nuclear weapons in quantities several times in excess of the number of Soviet nuclear weapons reduced in 1989-1990, which would create a favorable atmosphere for successful talks on TNW in Europe.

In view of all this, we could suggest the following schedule for the sequential reduction of tactical nuclear potential in Europe to the minimal quantitative level.

Phase one (1992-1994)—the radical (compound) reduction of USSR and U.S. tactical nuclear systems in Europe:

During this phase it would be best to completely eliminate atomic weapons for artillery systems, thereby removing the issue of atomic artillery as the most suitable "battlefield weapon." If this solution (the "fourth zero option") is infeasible, the elimination of at least over-arming in atomic artillery should follow this pattern. The sides will each choose one artillery system firing atomic ammunition. The atomic weapons for other artillery systems will be completely eliminated. The same ceiling will be set on both sides for atomic artillery systems (200-300 tubes) and the atomic ammunition for them. Atomic artillery divisions and regiments will be formed with specific basing areas, where the atomic ammunition will also be stored. The appropriate forms of verification and inspection will be secured;

A common ceiling of 1,000 units will be set for tactical nuclear missiles and weapon-platform aircraft for TNW;

Different ceilings on tactical nuclear missiles will be set for NATO—136 existing Lance missiles—and for the USSR—289 Tochka (SS-21) missiles, with the complete elimination of the Soviet Luna ("Frog") and R-17 ("Scud") missiles. Nuclear missile divisions will be transferred to the jurisdiction of a special command of NATO and USSR armed forces;

Tactical nuclear aviation will present the most complex problem. It seems expedient to create special atomic air squadrons (or air regiments), consisting of F-111, F-16, and Tornado planes on one side and Mig-27, SU-17, and SU-24 planes on the other, with a total of 700-850 units on each side. Corresponding ceilings will be set for atomic aerial bombs and short-range air-to-surface missiles (with the surplus to be eliminated) stored on the bases areas of atomic aviation units. The latter will be

transferred to the jurisdiction of a special command of NATO and USSR armed forces. The modernization of air-launched nuclear missiles will be strictly regulated in terms of launch range and the number of missiles tactical aircraft will carry. The appropriate methods of verification and inspection will be planned;

In this way, the total quantity of tactical delivery vehicles for nuclear weapons and the weapons for them would be 1,200-1,300 units on each side by the end of the first phase;

Proposals on the creation of a nuclear-free zone in Central Europe, with the removal of all nuclear systems and ammunition from this zone, will be implemented during the first phase.

The French leadership believes that the upcoming talks on TNW in Europe are an American-Soviet "undertaking," in which the French pre-strategic forces are of no consequence because of their small numbers and, the main thing, their strictly strategic nature. Existing plans for the modernization of French PNW are based on the assumption that France will have 215 tactical delivery vehicles by the middle of the 1990s (90 long-range Hades missiles with a range of up to 450 kilometers and explosive force of 100 kilotons; 75 Mirage-2000 planes with short-range air-to-surface missiles with a 300-kiloton warhead; 50 Super-Etendard naval planes with short-range missiles). French plans for the modernization of pre-strategic nuclear missiles have recently been adjusted to lower the quantities: from 90 to 40-50 Hades missiles, from 75 to 45 missile-carrying Mirage-2000's, and from 50 to 20 Super-Etendard planes.

Phase two (1995-1997)—The number of nuclear systems used for tactical purposes will be reduced to the minimum as the European countries make the transition to a strategy of non-offensive defense and the complete elimination of offensive potential in Europe:

Atomic artillery will be completely eliminated;

The same ceiling of 60-80 units will be set for the tactical nuclear missiles of both sides;

A common ceiling of 220-240 will be set for tactical nuclear aviation;

In this way, the limit on all tactical nuclear systems and the weapons for them will be 300 units for NATO and the USSR by the end of the second phase. France will be included in the process of TNW reduction and will lower the level of its tactical nuclear potential to 50-70 units;

The nuclear-free zone in Central Europe will be expanded, and the proposals regarding the creation of nuclear-free zones in Northern Europe and the Balkans will be implemented. The result will be a nuclear-free belt crossing the European continent from the north to the south and from the south to the east.

The dialogue the four nuclear powers will have begun during the preceding phase will lead to a consensus on the concept of "minimal deterrence" and agreement on a jointly declared nuclear strategy in Europe.

Phase three (1998-2000)—At this time it is possible to sketch only the most general outlines of this phase against the background of a fairly high level of interdependence of the European countries, considerable progress in common-European construction, and the creation of fairly effective European security structures:

National nuclear strategies will be brought in line with the jointly declared nuclear strategy;

The framework of completely transparent, verifiable, political-psychological deterrence will be established to block any signs of irrational behavior in Europe, as well as, and possibly primarily, against the European continent;

A European center of cooperative deterrence will be set up to coordinate national nuclear strategies in line with the principles of the joint European strategy of "minimal deterrence";

Tactical nuclear systems will be deployed only within the territory of nuclear powers and in strictly limited zones of the seas and oceans adjacent to Europe;

Minimal deterrence will be secured only by land- and carrier-based airborne systems, with the complete elimination of ground-launched tactical nuclear missiles;

A total ceiling of 300-400 units will be set for all nuclear tactical systems in Europe. There will be an approximate balance between the nuclear systems of the Soviet Union on one side and the nuclear forces of two of the three Western nuclear powers on the other.

* * *

The concept of multilateral "minimal deterrence" is now the only reasonable alternative capable of reducing the polar positions of the supporters and opponents of the nuclear-free world and nuclear-free Europe to a common denominator. In the presence of the necessary political will, it is probable that it will already be possible in the 1990s to deliver mankind and Europe from nuclear over-arming by reducing the nuclear potential of the sides to the absolute minimum.

Footnotes

1. "RAMSES-90," Paris, 1989, p 14.

2. C.F. David, "La France face aux nouveaux enjeux strategiques," Montreal, 1988, p 38.

3. DEFENSE NATIONALE, May 1990, p 78.

4. "Strategicheskaya stabilnost v usloviyakh radikalnykh sokrashcheniy yadernykh vooruzhennykh sil" [Strategic Stability at a Time of Radical Nuclear Armed Forces Reduction], Moscow, 1987, pp 26-27.

5. This willingness was expressed in the joint statement on the future talks on nuclear and space arms and the further consolidation of strategic stability, signed by G. Bush and M.S. Gorbachev in Washington on 1 June 1990.

6. "Voyennaya politika stran Zapadnoy Yevropy. Sbornik obzorov" [The Military Policy of the West European Countries. Collected Surveys], Moscow, 1989, p 34.

7. MEZHDUNARODNAYA ZHIZN, No 2, 1989, p 110; No 7, 1988, pp 117-118; "Sovetsko-frantsuzskiy dialog po problemam bezopasnosti v Yevrope" [Soviet-French Dialogue on Security Issues in Europe], Moscow, 1989, pp 42-43.

8. LE MONDE, 20 May 1989.

9. "RAMSES-90," p 74; MIROVAYA EKONOMIKA I MEZHDUNARODNYYE OTNOSHENIYA, No 2, 1990, p 32.

10. "La politique de defense de la France. Textes et documents," Paris, 1989, p 308.

11. "RAMSES-90," p 24.

12. LE MONDE, 6 October 1989.

13. Ibid., 20 May 1989.

West European Patent Integration

[Article by Vladimir Ivanovich Yeremenko, candidate of juridical sciences and chief of Invention and Patent Law Department of All-Union Scientific Research Institute of Patent Information]

[Text] The creation and subsequent activity of the European Community have been closely connected with integration processes reflecting the objective historical tendency toward the internationalization of economic affairs, politics, and culture and the natural desire of people for mutual convergence and cooperation. Integration in the sphere of patent law is part of this West European integration. The European Patent Organization was established in 1978. Its members are the EC states and some other West European countries.

Purpose of Creating European Patent System

First of all, we should note that the purpose of patent integration is inseparable from the general aims of West European integration—the elimination of all remaining barriers to the creation of a single internal market. Surmounting the territorial limits of national patents and creating a single EC patent will promote the free movement of goods within the Community and the further development of scientific and technical progress and strengthen the position of West European companies in international markets.

There have been constant unifying processes in the patent laws of the West European countries in the postwar period. Literature records a tendency toward the continued convergence of the patent systems of all industrially developed capitalist countries, and the European Patent Organization has been the catalyst.[1]

The evolution of the scientific and technical policies of West European countries revealed the important role of patent integration. The formulation of a single scientific and technical policy, including regional patent cooperation, was intended to eliminate technical disparities between the high-technology production units of the West European countries and their main competitors—the United States and Japan. The West European business community wanted to surmount the economic lag of the last decade and a half as quickly as possible.[2]

In addition to everything else, West European patent integration should enhance the profitability of patent issuance procedures. This would include the reduction of financial outlays, would save time and effort, and would solve the problems of multiple languages by establishing a single patent agency in place of a multitude of national agencies.

The edifice of the European patent system was founded primarily on two patent conventions—the Convention on the Issuance of European Patents, or the European Patent Convention, adopted in Munich in October 1973, and the Convention on the European Patent for the Common Market (the Convention on the Community Patent), signed in Luxembourg in December 1975.

The Munich Convention was intended to simplify the paperwork connected with patent applications in Europe: Instead of submitting several patent applications in different languages to different patent agencies, there was the chance of submitting only one application in one language to one agency for the acquisition of patent rights in several European states. The Luxembourg Convention united the package of European patents in the Common Market states into a single European patent (or Community patent), and it was intended to integrate patent law into the legal system of the Common Market.[3]

The increase in reciprocal patenting as a result of the growing international trade, production, scientific, and technical ties of states naturally increases the number of patent applications and, consequently, expenditures on the legal protection of inventions. The desire to reduce these expenditures led to the transfer of several powers to supranational bodies—the Administrative Council, the European Patent Office (EPO), and others. In addition to the purely financial advantages, this saved time and effort for the patent agencies and for the applicants themselves, because it put an end to the issuance of

duplicate patents, eliminated the need to observe the different requirements of national laws and regulations when applications for supranational patents were submitted to various patent agencies, and offered a choice of the most suitable of the three official EPO languages for the paperwork involved in acquiring a European patent.

Besides this, and this is the main advantage, the European Patent Office secures the high quality of expert evaluations of applications and issues "strong" patents—i.e., sounder patents from the standpoint of their "resistance" to revocation procedures and of the amount of protection afforded.

The European patents, which are issued after thorough expert evaluations, give the firms holding the patents more legal stability than national patents, which are distinguished by differing degrees of protection and differing evaluation requirements in the case of inventions.

The European patents are one of the most effective ways in which the firms holding the patents, primarily West European companies, secure their economic growth and leading position in the European economic area. Furthermore, applicant-firms benefit from the savings connected with the broader scope (the European patent is economically advantageous when a patent has to be obtained in several West European countries). The mechanism of the Munich Convention allows this to be done with one application for the European patent, but the exercise of the rights granted by this patent is governed by the national patent laws of the countries listed on the patent.

The degree of patent integration envisaged in the Luxembourg Convention (now known as the Community Patent Agreement) is much higher. An EC patent can be acquired simply by submitting an application listing one of the EC countries, which is tantamount to listing all of them. Consequently, the submission of a single application results in the issuance of a European patent with equal force automatically extending to all of the states belonging to the EC.

Patent integration will aid in surmounting the territorial limits of national patents, which have complicated the free movement of goods and competition in Western Europe to some extent. The advantages of patent integration for the firms of the region are indisputable. This is attested to by patent statistics: West European applicants represent more than 50 percent of the applications submitted and European patents issued.

It is significant that the European patents constitute the intellectual basis for the work on the EC scientific and technical programs, the Eureka program of 19 West European states, and others.

Stages of Development

The idea of the so-called "Europeanization" of patent law was first brought up after World War I. At that time it was completely elaborated in the works of German authors who suggested the establishment of a single patent law and a single patent office for all of the European countries under the auspices of a German agency.

After World War II this idea won considerable support when it turned into plans for the standardization of European patent law. The views and proposals of its supporters covered a broad spectrum, ranging from the standardization of individual provisions of patent law to the establishment of a European patent.

Patent organization only began to be practiced at the end of the 1970s, however, after supranational bodies had been established in this sphere. Integration in the patent sphere was a lengthy and difficult process. It could be dated back to 1950, when the International Patent Institute was established by the terms of the 1947 Hague Agreement. Its functions included the verification of the originality of inventions for which applications were submitted or patents were issued and a document appraisal (to define the technical level).

The Strasbourg conventions, drawn up by a Council of Europe committee of patent experts, constituted the next stage of patent integration. The first of these, the European Convention on Official Patent Application Requirements, was concluded in December 1953 and went into effect in June 1955. It standardized patent application requirements in order to simplify the procedure of their consideration by the government agencies of the states party to the convention.

The second convention, on an international patent classification system, went into effect in August 1955.

The most important was the third convention, on the standardization of some provisions of patent law. It was concluded in 1963—i.e., after the signing of the Treaty of Rome, which stepped up integration in many spheres, including the sphere of patent law. This convention played a fundamental role in coordinating the basic provisions of European patent laws defining the patentability of inventions and the degree of legal protection.

In general, we could say that the Strasbourg conventions paved the way for the draft conventions on the European patent and the agreement on patent cooperation. At the end of 1959 the governments of the EEC countries formed a coordinating committee and three working groups. They were supposed to investigate problems in the protection of patents, trademarks, and industrial models within the Community framework and suggest ways of solving them.

The preliminary draft convention on European patent law was published in 1962. It envisaged the issuance of a single, separate European patent of a supranational nature by the European Patent Office. The national patent systems of the parties to the convention, however, were to retain their force as well. Many of the provisions of the preliminary draft aroused widespread debate and

criticism from the most diverse sources (businessmen, patent attorneys, etc.). The draft was declared premature.

Of course, this failure was programmed in advance by the still inadequate level of economic and political integration. Political disagreements between West European countries also played a part. Nevertheless, this paved the way for future European patent conventions. In 1969 an intergovernmental conference on a European patent system was requested to draft a new document. The conference took earlier experience into account and based its own activity on new principles.

In this way, the European patent was based on a dualistic foundation, consisting of two sets of standards. The first, aimed at creating a regional patent system (officially open to all European countries), proposed the issuance of European patents with national applicability depending on stipulations in the application. The second set of standards, intended for the Community, was to operate within the first, with the issuance of a single European patent extending to all of the EC countries.

In 1972 the intergovernmental conference completed the work on the plan for the European Patent Organization. In October 1973 a diplomatic conference was held in Munich (FRG) for the adoption of the Convention on the Issuance of European Patents, or the European Patent Convention (EPC).

One of the articles of the convention said that the patent issued in accordance with it would be called the European patent. It could be requested for one, several, or all of the countries parties to the convention. It would have the same force in each and would be governed by the same statutes as national patents.

The convention established the European Patent Organization as an international regional organization for the issuance of European patents on the basis of a set of common standards for all signatories. The main agencies of this organization included the Administrative Council and the European Patent Office. The president of the European Patent Office would also be the head of the organization. The latter was endowed with the status of a legal person and was granted broad legal powers and jurisdiction in each of the states concerned. The organization was to be located in Munich.

The European Patent Office began operating on 1 June 1978. As for the European Patent Convention, by 1 January 1991 it had been ratified by the following states: Austria, Belgium, Great Britain, Greece, Denmark, Spain, Italy, Liechtenstein, Luxembourg, the Netherlands, France, the FRG, Switzerland, and Sweden.

The Common European Patent

The Convention on the European Patent for the Common Market (the Luxembourg Convention) was signed in December 1975 by nine EEC members. It was a direct continuation of the Munich Convention on two

levels: on the legal level, because it was intended to regulate the official document issued by the provisions of the Munich Convention, and on the institutional level, because the new special agencies became an integral part of the European Patent Office.[4]

The Luxembourg Convention, however, was ratified by only seven states. The exceptions were Denmark and Ireland. The stumbling-block was the delineation of the jurisdiction of the European Patent Office and national courts in matters connected with infringements of the rights and validity of Community patents. It was then that the initial enactment of the convention in these seven states was proposed. In 1985 a second intergovernmental conference was held in Luxembourg to lay the legal foundation for this idea.

In essence, this was a matter of concentrated effort to establish a European patent system (even if only a partial one) for the Community. Once again, however, the process of patent integration was not completed. The agreement on the Community patent was not signed until December 1989 at the third Luxembourg conference.[5] The enactment of the agreement will require its ratification by 12 EC countries. If this does not occur by 15 December 1991, it will go into effect in only three of the EC states ratifying it. It is the opinion of concerned groups that the unified supranational patent is necessary for the unified internal market, even if it does not go into effect throughout the Community for some time. In terms of its economic impact (the territory, population, and economic potential of the Common Market countries), the supranational patent is expected to be comparable to the U.S. patent and superior to the Japanese patent. This decision fits into the West European "variable speed" scenario: the completion of the creation of the single internal market by the end of 1992 for the EC members and the subsequent inclusion of the rest of the countries of the region in it.

The agreement on the Community patent envisages participation by states which are not members of the Community but which have signed the European Patent Convention. There are two essential conditions: the unanimous decision of EC members to conclude a special agreement with the third state, and the presence of a free trade zone or customs union with it. Therefore, the agreement on the Community patent has the structure of a closed treaty without any serious exceptions. Even the hypothetical possibility of an invitation is most likely to apply to the states slated for EC membership.

The reasons for the long and thorny path of patent integration are inseparable from the general political problems in the development of West European integration and the complex process of coordinating the national interests and establishing the Community's supranational institutions. In addition, there are specific factors at work in this area. The main one is the disparate nature of national administrative and judicial systems for the arbitration of disputes in the sphere of patent revocations and infringements. In general, judging by the

results of the third Luxembourg conference, we can assume that centripetal tendencies will prevail in the efforts to establish a single set of European patent laws in the EC.

Present Status and Future Prospects

Patent laws are undergoing serious changes in most of the West European countries. The process includes, on the one hand, the standardization of patent rights and enforcement procedures and, on the other, the creation of an international mechanism based on national and international patent agencies, adapted to meet the requirements of patent integration.[6] In other words, the West European patent system is one of the forms of the convergence and standardization of the internal laws of Community members and one of the results (although only partial thus far) of multilateral economic policy regulation.

The construction of the European patent system will be completed when the agreement on the Community patent goes into force. The complete integration of the patent systems of EC members is not on the agenda, however, and the existence of national patents is not being questioned. In other words, national and regional principles are in a state of relative balance. In this context, the present state of patent integration is not completely consistent with the efforts of Community countries to create a unified internal market, within which they hope to pursue a unified scientific, technical, economic, and monetary policy.

When EPO President P. Braendli summed up the results of the first 10 years of the European patent system in 1988, he said that the number of EPO members had risen from 9 to 13 during this period, the number of EPO employees had risen from 941 to 2,400, and its budget had risen from 98.8 million German marks to 460 million.[7]

The EPO was expected to be financially self-sufficient 12 years after its establishment. During this period the EPO members were to support its activity with financial contributions which were to be returned in 27 years. It became a self-funding organization much earlier, however, and was already able to return all of the contributions in full in its fifth year of operations.[8]

The increase in the number of applications submitted for the European patent in the 1980s attests to the interest in obtaining this patent: from 27,500 in 1982 to 30,800 in 1983, 36,200 in 1984, 37,700 in 1985, 43,000 in 1986, and 46,000 in 1987. According to EPO forecasts, the figure will exceed 100,000 in 1994.[9] In 1989, 57,800 applications were submitted, and 22,600 European patents were issued.[10]

Statistics testify that the EPO has turned into a major regional patent organization. In addition to its 14 members, more than 50 states on five continents, including the Soviet Union, have made use of its services. The parties to the European Patent Convention still account for the majority of applications for the European patent (50.7 percent in 1989). The leaders among them are the FRG, France, and Great Britain. The highest number of applicants in 1989 from countries not party to the EPC were in the United States—26 percent (23.6 percent in 1981) and Japan—18.8 percent (10.9 percent in 1981). The rest of the world's countries accounted for 4.4 percent of the total.

It is obvious, therefore, that the European patent system is being used primarily by the industrially developed capitalist countries, and the proportional participation of the United States and Japan is increasing perceptibly. In spite of the many flaws writers have pointed out in the European patent system,[11] it has won international recognition.

The purely technical difficulties in the existing system are connected with the high number of applications (this is the reason for the delays in their consideration) and with the fact that investigations and evaluations are essentially conducted in different places by different people. The architects of the European patent system will face more serious problems in connection with the ratification of the agreement on the Community patent. After all, failure in this area would be a sad chapter in West European patent integration.

Value of West European Experience

The functioning of the European patent system will give Soviet patentees a chance to protect their own economic interests in the West European market. Regrettably, Soviet applicants have not made sufficient use of these opportunities: 162 applications were submitted in 1989 (0.28 percent of the total), and 4 were granted (0.02 percent).

The reform of the Soviet invention laws, primarily the institution of a single type of invention protection in the form of a patent, will balance the USSR and EPO patent systems, lay the basis for more intense contacts between the two sides, and represent an essential stage in the possible integration of the Soviet and European patent systems.

The experience in European integration has acquired direct practical significance in recent years in connection with the mounting problem of republic sovereignty in the USSR. This experience could be used in delineating the applicability of union and republic patent laws.

The draft Union Treaty does not mention industrial property or patent services, and I feel this is a mistake. Authority in this important sphere should be jointly exercised by the center and the union republics. I would like to reinforce this opinion with examples from world experience.

In the constitutions of the European federations, just as, incidentally, of the other federated states of the world, questions of invention or industrial property are reflected directly in the delineation of the jurisdiction of

the center and the members of the federation. According to Article 10 of the Austrian Constitution, for example, the federation has legislative and executive jurisdiction over the restriction of unfair competition, patents, and the protection of industrial models and trademarks. In accordance with Article 8 of the CSFR Constitution, the center and both republics have joint jurisdiction over standardization, weights and measures, and industrial rights. Examples of the constitutional delineation of authority in questions of industrial property can be found in the constitutions of even the unitary states of Europe where regional autonomy is highly developed. Article 149 of the Spanish Constitution, for example, puts laws on industrial and intellectual property under the exclusive jurisdiction of the state.

Questions of industrial property are resolved in a similar manner in principle by federations in other parts of the world. Even in Canada, one of the world's most decentralized federations, the protection of copyright and patent rights is wholly under the jurisdiction of the federal government.

Even without references to world experience, however, it is completely obvious that the optimal stimulation of scientific and technical progress in the country will be impossible without a uniform and centrally directed policy on inventions. People in Western Europe, where integration processes are progressing rapidly in the sphere of industrial property, are fully aware of this.

The decision recorded in the USSR Law "On the Bases of the Economic Relations of the USSR and the Union and Autonomous Republics" sounds acceptable to me: The economic jurisdiction of the union includes the organization of a single patent service in the country. In this context, it seems that the people's deputies of the USSR who associated the functions of the state patent service only with evaluations of inventions and the issuance of patents during the discussion of the Law "On Inventions in the USSR" were wrong. They suggested that other matters connected with inventions be relegated to the union republics. This would cause us to descend to the level of the Munich Convention (the centralized issuance of European patents with the subsequent regulation of patent rights in accordance with the national laws of European Patent Organization members)—i.e., the initial stage of West European integration.

Slightly different ideas about the use of the Munich Convention mechanism are sometimes expressed in specialized literature. Some authors advocate the passage of republic patent laws along with union laws, with a simplified system for the evaluation of applications.[12] This presupposes the coexistence of union and republic patents within a union republic. Moreover, they have suggested two patents in addition to the union patent in the RSFSR: one for the whole territory of Russia and another, for a lower fee, for a specific part of Russia.

Discussions of this kind are a clear example of the tendency to "sovereignize" various republic and regional structures, which sometimes takes extreme forms. It is easy to see that proposals of this kind suggest a step backward. This goes against common sense and world experience, particularly tendencies in the development of West European patent integration. The failure to establish a unionwide patent system during the construction of a renewed union, as an integral state on a federated basis, would be an unforgivable error.

Footnotes

1. A.A. Zhdanov and G.A. Matveyev, "National and Supranational Laws in the West European Countries: Tendencies and Practices" (VOPROSY IZOBRE-TATELSTVA, No 5, 1988, p 31).

2. Yu. Rubinskiy, "The New Stage of West European Integration: The Institutional Dimension" (MIROVAYA EKONOMIKA I MEZHDUNAROD-NYYE OTNOSHENIYA, No 12, 1987, p 86).

3. INTERNATIONAL REVIEW OF INDUSTRIAL PROPERTY AND COPYRIGHT LAW, No 6, 1978, pp 506-507.

4. "The Community Patent: Present Situation" (OFFICIAL JOURNAL OF THE EUROPEAN PATENT OFFICE, No 8, 1978, p 392).

5. OFFICIAL JOURNAL EPO, No 5, 1990, p 224.

6. Yu.N. Svyadosts, "Standardizing the Patent Laws of Capitalist Countries" (VOPROSY IZOBRETATEL-STVA, No 2, 1975, p 13).

7. P. Braendli, "Ten Years of the European Patent Office" (WORLD PATENT INFORMATION, No 2, 1988, p 104).

8. INTERNATIONAL REVIEW OF INDUSTRIAL PROPERTY AND COPYRIGHT LAW, No 6, 1987, p 144.

9. "European Patent Applications and Patents—Statistics: 1987" (OFFICIAL JOURNAL EPO, No 7, 1988, p 275).

10. "European Patent Office. Annual Report 1989," pp 83, 90. Hereafter, unless otherwise specified, all statistics are from this source.

11. These flaws include the complex procedure for taking out patents, combined with fairly severe penalties for errors in applications; the vague criteria of patent eligibility, particularly in the case of inventions; the effect of the "all-or-nothing" rule (i.e., the risk of losing patent rights immediately in all of the states where protection was requested); the high cost of the procedure, etc.

12. VOPROSY IZOBRETATELSTVA, No 3, 1991, pp 25-29.

Recent Publications

*92UF0123E Moscow MIROVAYA EKONOMIKA I
MEZHDUNARODNYYE OTNOSHENIYA in Russian
No 8, Aug 91 (signed to press 9 Aug 91) p 156*

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